



**CITY COUNCIL
MEETING MINUTES**

DECEMBER 15, 2008 7:30 PM

I. CALL TO ORDER

A. Flag Salute

Mayor Peter B. Lewis called the meeting to order at 7:30 p.m. and led those in attendance in the Pledge of Allegiance.

B. Roll Call

Mayor Lewis and the following Councilmembers were present: Rich Wagner, Sue Singer, Gene Cerino, Nancy Backus, Bill Pelozza, Lynn Norman and Virginia Haugen.

Staff members present included: Information Services Director Lorrie Rempher; Parks, Arts and Recreation Director Daryl Faber; Human Resources/Risk and Property Management Director Brenda Heineman; Deputy Police Chief Bob Lee; Financial Planning Manager Karen Jester; Public Works Director Dennis Dowdy; Assistant Planning Director Kevin Snyder; Economic Development Planner Al Hicks; Storm Drainage Engineer Tim Carlaw; Government Relations Manager Carolyn Robertson; City Attorney Daniel B. Heid; and City Clerk Danielle Daskam.

C. Announcements and Appointments

1. Announcements

a) City Hall Annex

Mr. Jeff Oliphant of Auburn Professional Plaza, LLC, reported on the progress of the City Hall Annex that will be constructed just east of City Hall in the "tavern" block. Mr. Oliphant reported that he has finalized the lease with Key Bank, looks forward to finalizing the parking garage lease with the City, and obtained a financing loan commitment for the project as well as

secondary financing for the mezzanine. Mr. Oliphant expects construction to begin in early 2009.

2. Appointments

There were no appointments for Council consideration.

D. Agenda Modifications

A revised agenda bill for Consultant Agreement No. AG-C-350 with Parametrix was transmitted under Item V.C.6 of these minutes.

II. CITIZEN INPUT, PUBLIC HEARINGS & CORRESPONDENCE

A. Public Hearings

1. Extension of Moratorium – West Hill Drainage Area

O3.4.2.1.2, O3.1

Resolution No. 4300, adopted January 22, 2008, and amended by Resolution No. 4321 on March 3, 2008, established an initial six-month moratorium on the filing of land use applications, building and grading permit applications in the drainage area contributing surface flows to Mill Creek tributaries 0045, 0047, 0048 and 0053 as identified by King County and as defined by Resolution Nos. 4300 and 4321 and which moratorium was extended for an additional six-month period by Resolution No. 4383 on July 21, 2008.

Storm Drainage Engineer Carlaw presented a brief staff report on the proposed extension of the moratorium in the West Hill Drainage Area. He displayed a map of the moratorium area on an oversized map.

Mr. Carlaw explained that the goal of the moratorium is to afford the City an opportunity to develop land use regulations, including development standards, and requirements that address flooding in the affected area. Actions leading to the goal include reviewing King County's downstream flooding study and the City's development of its comprehensive plans and land use regulations, development standards, and requirements in a way that is expected to reduce and control the flooding in the affected area.

Staff recommends that the City Council adopt Resolution No. 4433 extending the moratorium an additional six months to allow time to complete the studies that have been begun and formulate an implementation plan for the projects identified in the studies. The extension will allow King County and the City to continue to study the drainage conveyance improvements in the downstream area.

Mr. Carlaw reported that a developer has come forward and secured development rights over the majority of the properties that the original moratorium was established to protect from upstream impacts. The developer has determined that he may be able to resolve many of the historic drainage issues by combining the properties into a common development.

Work completed to date includes the additional inventory in the annexation area, coordination with King County, a draft report on the downstream system, and a verbal commitment from King County for one downstream improvement in the drainage corridor for 2009.

Councilmember Wagner suggested refining the exemption clause of the moratorium.

Mayor Lewis opened the hearing at 7:48 p.m.

Jerry Phipps, 30500 58th Avenue South, Auburn
Mr. Phipps stated that he owns two lots in the moratorium area. Mr. Phipps desires to construct a 720 square foot workshop on his property but has been unable to obtain the permits to construct the workshop due to the moratorium. He requested the City Council amend the moratorium to allow small development, such as his proposed workshop.

Councilmember Wagner reiterated his opinion that the exception clause of the moratorium needs to be refined to allow small developments such as Mr. Phipps'. He requested that the Public Works and Planning Departments modify the exclusion clause to provide criteria beyond the existing additional ten percent impervious area exception.

There being no further public comment, Mayor Lewis closed the hearing at 7:52 p.m.

(See Item VIII.B.8, Resolution No. 4433, for further action on this item.).

B. Audience Participation

This is the place on the agenda where the public is invited to speak to the City Council on any issue. Those wishing to speak are reminded to sign in on the form provided.

Lonnie Green, 2215 K Street SE, Auburn

Mr. Green stated that he is looking for resolution of some commercial parking issues in the city. He is a truck driver and is unable to park his truck tractor at his residence due to City ordinance. He had been parking on Lund Street just south of Main Street for several years until recently when he was cited for parking a commercial vehicle on a non-arterial street. He suggested allowing commercial parking on the east side of Lund Street. Public Works Director Dowdy reported that the commercial parking issue was discussed at the Public Works Committee earlier this evening. Staff is working on an interim ordinance that will designate five streets for commercial parking. Director Dowdy expects the ordinance will be presented at the next City Council meeting.

C. Correspondence

There was no correspondence for Council review.

III. COUNCIL COMMITTEE REPORTS

A3.7.6

A. Municipal Services

Chair Cerino reported the Municipal Services Committee met December 8, 2008. The Committee discussed Ordinance No. 6216 relating to false alarms, which will be removed from this evening's Council agenda. The Committee also discussed Resolution Nos. 4423, 4425, 4427, 4428 and 4430; Ordinance No. 6220; SCORE regional jail facility; a contract renewal with Vadis; and the public defense services contract. The next regular meeting of the Municipal Services Committee is scheduled for January 12, 2009.

B. Planning & Community Development

Chair Norman reported the Planning and Community Development Committee met December 8, 2008. The Committee discussed Ordinance No. 6220, received an update on Chamber of Commerce activities, and discussed the development of a new citizen's survey. The Committee reviewed Resolution No. 4423 effecting an address change for a single family residence and Ordinance No. 6214 relating to school impact fees. The Committee also discussed the development code update, residential conversions, and the floodplain moratorium. The next meeting of the Planning and Community Development Committee is scheduled for December 22, 2008.

C. Public Works

Chair Wagner reported the Public Works Committee met this afternoon at 3:30. The Committee approved a right-of-way use permit for Pierce Transit to locate bus stops in the Lakeland Hills area for the new shuttle service. The Committee also approved the annual on-call agreements and several contract administration items relating to Project CP0819 Mill Creek Culvert Replacement, CP0817 2009 Sewer and Storm Pump Station Replacement Project, C523A 2006 Storm Pond Improvement Project, and CP0808 2008 Local Street Pavement Preservation. The Committee also approved Resolution No. 4426 relating to Local Improvement District No. 350. The Committee discussed Ordinance No. 6220, truck parking revisions, the 4th Street NE sewer project survey, an inventory of graveled streets, 2009 arterial pavement preservation, a door tax proposal, water supply strategies, design standards, stimulus packages, a parking garage agreement for the City Hall Annex project, and right-of-way use around the site for the new Annex building. The next regular meeting of the Public Works Committee is scheduled for January 5, 2009 at 3:00 p.m.

D. Finance

Chair Backus reported the Finance Committee met this evening at 6:30. The Committee approved claims and payroll vouchers, Ordinance No. 6220 amending the 2007-2008 Biennial Budget, Resolution No. 4425 regarding an agreement with the Auburn Area Chamber of Commerce, Resolution No. 4427 approving a consultant agreement with Thompson Smith, Resolution No. 4428 approving a contract with Washington² Advocates, LLC, Resolution No. 4430 authorizing a lease agreement with Auburn Professional

Plaza LLC, Resolution No. 4431 declaring property surplus, and Resolution No. 4436 authorizing a Parking Garage Lease Agreement with Auburn Professional Plaza, LLC. The Committee also discussed a contract for public defense services, Resolution No. 4426 relating to Local Improvement District No. 350, Ordinance No. 6214 related to school impact fees, third quarter financial activity, Ordinance No. 6216 relating to false alarms, and Resolution No. 4429 regarding the standing committees of the City Council. The next regular meeting of the Finance Committee is scheduled for January 5, 2009 at 6:30 p.m.

E. Community Center

Chair Wagner reported the Community Center Committee met on December 9, 2008, to travel to Lacey to view the architectural details of a building that has a feature that is proposed for Auburn's Community Center project. The next meeting of the Community Center Committee is scheduled for January 16, 2009 at 1:00 p.m.

F. Downtown Redevelopment

Chair Norman reported the Downtown Redevelopment Committee met December 9, 2008. The Committee reviewed a City Hall plaza conceptual design. The Committee also received a report from the Auburn Downtown Association Board of Directors and discussed the Sound Transit advertising program. The next regular meeting of the Downtown Redevelopment Committee is scheduled for January 13, 2009 at 4:00 p.m.

G. Committee on Committees

Chair Wagner reported the Committee on Committees met this evening at 7:15. The Committee approved Resolution No. 4429 which appears on this evening's Council agenda.

IV. REPORTS

At this time the Mayor and City Council may report on significant items associated with their appointed positions on state, regional and local organizations.

A. From the Council

Deputy Mayor Singer reported on a recent meeting of the Puget Sound Regional Council Executive Board where the combining of Fort Lewis and McChord Air Force Base as Joint Base Lewis-McChord was discussed. Deputy Mayor Singer reported that Governor Gregoire has requested the Puget Sound Regional

Council to submit a list of prioritized projects for the federal transportation stimulus package. Deputy Mayor Singer also reported that a ground breaking ceremony was held today for the Auburn Environmental Park birding tower.

Councilmember Wagner attended a Regional Access Mobility Partnership (Pierce County transportation coalition) meeting where members reviewed the legislative possibilities for transportation funding for Pierce County, including the local gas tax option and an update on studies for Highway 167. Councilmember Wagner also reported on his attendance at the King County Solid Waste Advisory Board meeting where discussion included mitigation for host cities of solid waste facilities and efforts to extend the life of the Cedar Hills landfill.

Councilmember Cerino reported that he attended the Puget Sound Regional Council Transportation Committee as a representative for the Pierce County cities and towns. The Committee agreed to place Highway 167 on the list of major projects for state consideration for funding.

Councilmember Pelosa reported on his attendance at the Regional Water Quality Committee meeting where topics included the 2009 wastewater treatment division budget and reclaimed water. Councilmember Pelosa also attended a King County Regional Farmers Market Managers meeting in Seattle. The meeting provided information on public health, permitting and other conditions relative to the Auburn International Farmers Market, which is scheduled to open on June 14, 2009.

Councilmember Haugen thanked Public Works Committee Chair Wagner and Vice Chair Cerino for the opportunity to serve on the Public Works Committee during the last year.

B. From the Mayor

Mayor Lewis reported that the last two weeks included several community activities including DARE graduations, three community meetings, events at the Auburn Adventist Academy, the Santa Parade, the National Guard Red, White and Blue concert, and a ribbon cutting ceremony for a new wine and caviar store in Auburn. Mayor Lewis also commented on meetings of the Suburban Cities Association, SCORE regional jail facility, the Regional Policy Committee, and the Minority Executive Directors Coalition Annual

Awards celebration and banquet. Mayor Lewis also reported on the City's infrastructure stimulus package list of projects that was recently finalized and includes approximately \$136 million in projects and 2,443 new jobs.

V. CONSENT AGENDA

All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.

A. Minutes

- 1. Minutes of the December 1, 2008 regular City Council meeting.**

B. Vouchers

F4.9.2, F4.9.5

- 1. Claims**

Claims check numbers 380799 through 380809 and 380927 through 381381 in the amount of \$2,981,502.94 and dated December 15, 2008.

- 2. Payroll**

Payroll check numbers 525197 to 525326 in the amount of \$827,897.27 and electronic deposit transmissions in the amount of \$1,192,335.45 for a grand total of \$2,020,232.72 for the pay period covering November 27, 2008 to December 10, 2008.

C. Contract Administration

- 1. Consultant Agreement Number AG-S-022-09**

A3.16.3

City Council approve Consultant Agreement No. AG-S-022-09 with Vadis for 2009-2010 services

- 2. Public Works 2009 Annual On-Call Consultant Agreements**

City Council approve the following 2009 Annual On-Call Agreements:

Annual On-Call Agreements

Professional Service

Total Not to Exceed
Amount

AG-C-351	GPA Valuation	Appraisal & Appraisal Review	\$25,000
AG-C-352	Appraisal Group of the NW	Appraisal & Appraisal Review	\$25,000
AG-C-353	Washington Appraisal Svcs	Appraisal & Appraisal Review	\$25,000
AG-C-354	Architects Rasmussen Triebelhorn	Architecture	\$50,000
AG-C-355	The Watershed Company	Environmental & Wetland	\$30,000
AG-C-356	ZZA – Terracon	Geotechnical Engineering	\$30,000
AG-C-357	Robert W Droll	Landscape Architecture	\$30,000
AG-S-025	Eden Advanced Pest Tech.	Monitoring Mosquito Larval Sites	\$50,000
AG-C-358	Parametrix	Land Survey	\$30,000
AG-C-359	AHBL	Land Survey	\$30,000
AG-S-026	PTV America, Inc.	Transportation's Traffic Modeling	\$20,000
AG-C-360	Roth Hill Engineering	Development Review Services	\$50,000
AG-C-361	Brown & Caldwell	Annual NPDES Support	\$40,000
AG-C-362	Brown & Caldwell	Storm & Swr Util Modeling Support	\$50,000
AG-C-363	Carollo	Water Utility Modeling Support	\$35,000

3. **Public Works Project Number CP0808**

O4.9.1 CP0808

City Council approve Final Pay Estimate No. 5 to Contract No. 08-06 in the amount of \$7,837.42, for a total contract price of \$2,037,960.20, with Woodworth & Company, Inc and accept construction of Project No. CP0808, 2008 Local Street Pavement Preservation.

4. **Public Works Project Number C523A**

O4.8.1 C523A

City Council approve Final Pay Estimate No. 7 to Contract 06-10 in the amount of \$8,894.18, for a total contract price of \$251,137.83, with Nova Contracting, Inc. and accept construction of Project No. C523A, 2006 Storm Pond Improvements Project.

5. **Public Works Consultant Agreement Number AG-C-348**

A3.16.9, O4.8.1 CP0819

City Council grant permission to enter into Consultant Agreement No. AG-C-348 with Anchor Environmental LLC for engineering services for Project No. CP0819, Mill Creek Culvert Replacement at Peasley Canyon Road.

6. **Public Works Consultant Agreement Number AG-C-350**

A3.16.9, O4.6.3 CP0817

City Council grant permission to enter into Consultant Agreement No. AG-C-350 with Parametrix, Inc. for Engineering Services for Project No. CP0817, 2009 Sewer and Storm Pump Station Replacement Project.

Deputy Mayor Singer moved and Councilmember Wagner seconded to approve the Consent Agenda.

MOTION CARRIED UNANIMOUSLY. 7-0.

VI. UNFINISHED BUSINESS

There was no unfinished business.

VII. NEW BUSINESS

There was no new business.

VIII. ORDINANCES AND RESOLUTIONS

A. Ordinances

1. Ordinance No. 6214

F4.3

An Ordinance of the City Council of the City of Auburn, Washington, amending Sections 19.02.115, 19.02.120, 19.02.130 and 19.02.140 of the Auburn City Code relating to school impact fees

Councilmember Norman moved and Councilmember Backus seconded to introduce and adopt Ordinance No. 6214.

MOTION CARRIED UNANIMOUSLY. 7-0.

2. Ordinance No. 6216

O1.8

An Ordinance of the City Council of the City of Auburn, Washington, amending Chapter 9.30 of the Auburn City Code relating to false alarms

Ordinance No. 6216 was removed from the agenda.

3. Ordinance No. 6220

F3.21

An Ordinance of the City Council of the City of Auburn, Washington, amending Ordinance No. 6066, the 2007-2008 Biennial Budget Ordinance as amended by Ordinance Nos. 6086, 6092, 6103, 6119, 6124, 6127, 6128, 6132, 6133, 6144, 6145, 6164, 6168, 6179, 6180, 6201 and Ordinance

No. 6209 authorizing amendment to the City of Auburn 2007-2008 Budget as set forth in Schedule "A"

Councilmember Backus moved and Deputy Mayor Singer seconded to introduce and adopt Ordinance No. 6220.

MOTION CARRIED. 6-1. Councilmember Haugen voted no.

4. Ordinance No. 6221

O3.5 PLT08-0023

An Ordinance of the City Council of the City of Auburn, Washington approving the Final Plat of Lakeland East

Councilmember Norman moved and Councilmember Backus seconded to introduce and adopt Ordinance No. 6221.

MOTION CARRIED. 6-1. Councilmember Haugen voted no.

B. Resolutions

1. Resolution No. 4423

O4.9.2

A Resolution of the City Council of the City of Auburn, Washington, to provide an address change for a single family residence

Councilmember Norman moved and Councilmember Backus seconded to adopt Resolution No. 4423.

MOTION CARRIED UNANIMOUSLY. 7-0.

2. Resolution No. 4425

A3.16.11, A3.16.3

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor and the City Clerk to execute an Agreement for Services between the City of Auburn and The Auburn Area Chamber of Commerce to operate a Visitor Information Center, promote tourism awareness within the City, and to provide services associated with supporting the City's economic development efforts

Councilmember Backus moved and Deputy Mayor Singer seconded to adopt Resolution No. 4425 as amended in Finance Committee to include the words "exterior signage" in the second bullet, on page 8, Exhibit A, Tasks and Services.

MOTION CARRIED. 6-1. Councilmember Haugen voted no.

3. Resolution No. 4426

F2.4.9 LID 350

A Resolution of the City Council of the City of Auburn, Washington, fixing a time and place for hearing on the Final Assessment Roll for Local Improvement District No. 350, and directing that notice thereof be given in the manner required by law

Councilmember Wagner moved and Councilmember Cerino seconded to adopt Resolution No. 4426.

MOTION CARRIED UNANIMOUSLY. 7-0.

4. Resolution No. 4427

A3.13.13, A3.16.3

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor and City Clerk to execute an agreement with Thompson Smith Consulting Group, Inc. to assist the City to secure water rights from the Washington State Department of Ecology for the purposes of meeting the City's water needs

Councilmember Backus moved and Deputy Mayor Singer seconded to adopt Resolution No. 4427.

MOTION CARRIED UNANIMOUSLY. 7-0.

5. Resolution No. 4428

A3.16.3

A Resolution the City Council of the City of Auburn, Washington, authorizing the Mayor and City Clerk to execute a contract with Washington² Advocates, LLC, for consulting services

Councilmember Backus moved and Deputy Mayor Singer seconded to adopt Resolution No. 4428.

MOTION CARRIED UNANIMOUSLY. 7-0.

6. Resolution No. 4429

A3.7.1

A Resolution of the City Council of the City of Auburn, Washington, repealing Resolution No. 4281 passed December 17, 2007, and designating the members, powers, duties and meeting times and days of all standing committees of the City Council of the City of Auburn

Councilmember Wagner moved and Deputy Mayor Singer seconded to adopt Resolution No. 4429.

MOTION CARRIED UNANIMOUSLY. 7-0.

7. Resolution No. 4430

A3.17

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor and City Clerk to execute an Amendment to Lease Agreement between the City of Auburn and Auburn Professional Plaza, LLC

Councilmember Backus moved and Deputy Mayor Singer seconded to adopt Resolution No. 4430.

MOTION CARRIED. 6-1. Councilmember Haugen voted no.

8. Resolution No. 4431

F4.6.1

A Resolution of the City Council of the City of Auburn, Washington, declaring certain items of property as surplus and authorizing their disposal

Councilmember Backus moved and Deputy Mayor Singer seconded to adopt Resolution No. 4431.

MOTION CARRIED. 6-1. Councilmember Haugen voted no.

9. Resolution No. 4433

O3.4.2.1.2

A Resolution of the City Council of the City of Auburn, Washington, renewing the moratorium established by Resolution No. 4300, as amended by Resolution No. 4321 and extended by Resolution No. 4383, on the filing of certain land use, building and grading permit applications in the drainage area contributing surface flows to Mill Creek Tributaries 0045, 0047, 0048, and 0053 as identified by King County and as defined herein, to be effective for a period ending June 30, 2009

Councilmember Wagner moved and Councilmember Cerino seconded to adopt Resolution No. 4433 with direction to staff to develop an amendment to the exclusion clause to the moratorium to take into account situations that do not add to the storm water departing from the property in the moratorium area, but still allow construction to proceed that would meet such criteria.

MOTION CARRIED UNANIMOUSLY. 7-0.

(Resolution No. 4433 was adopted immediately following Item II.A.1 of these minutes.)

10. Resolution No. 4436

A3.17

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor and City Clerk to execute a Parking Garage Lease Agreement between the City of Auburn and Auburn Professional Plaza, LLC

Councilmember Backus moved and Deputy Mayor Singer seconded to adopt Resolution No. 4436.

MOTION CARRIED UNANIMOUSLY. 7-0.

IX. ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 8:51 p.m.

APPROVED THE _____ DAY OF JANUARY, 2009.

Peter B. Lewis, Mayor

Danielle Daskam, City Clerk

City Council agendas and minutes are available to the public at the City Clerk's Office, on the City website, and via e-mail. Complete agenda packets are available for review at the City Clerk's Office and at the Library.

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